

**PB# 02-34**

**Headlee Mgmt. Corp.**

**35-1-102.1**

02-34

HEADLEE MANAGEMENT CORP. (ARBY'S)  
RT. 32 (shaw)

TOWN OF NEW WINDSOR  
PLANNING BOARD  
APPROVED COPY

DATE: 6-11-03



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

**MAIN OFFICE**

33 Airport Center Drive

Suite 202

New Windsor, New York 12553

(845) 567-3100

fax: (845) 567-3232

e-mail: mhenry@mhepc.com

Writer's e-mail address:

mjc@mhepc.com

**MEMORANDUM**

(via fax)

8 October 2003

**TO: MICHAEL BABCOCK, TOWN BUILDING INSPECTOR**

**FROM: MARK J. EDSALL, P.E., PLANNING BOARD ENGINEER**

**SUBJECT: HEADLEE MMT. (ARBY'S) SITE PLAN  
PLANNING BOARD APPLICATION NO. 02-34**

This memo will confirm my field review of the subject site on the afternoon of 7 October 2003. I had the opportunity to review the below with Greg Shaw and Jan Headlee in the field.

Please note the following observations:

- The dumpster enclosure is masonry but is not finished to match the building. I have requested that it be painted to match the building's color scheme.
- For the cross-connection to KFC, for traffic entering the Arby's site, the stop sign and one-way sign are missing. They will be installed.
- The stormwater discharge onto Rt. 32 is DOT jurisdiction. I believe there may be a problem in the future if stormwater isn't properly directed to the roadside ditch. I agreed that we would accept it if DOT had done so, but if we observe any problems they will be required to correct the condition notwithstanding and DOT action or non-action. This item is being noted, but is not a bonding issue or an issue to impact release of the site bond.

Once the work is complete, I will advise you such that the site bond can be released.

Bond Amt - Per Mike Babcock

\$1500.00

**REGIONAL OFFICES**

- 507 Broad Street • Milford, Pennsylvania 18337 • 570-296-2765 •
- 540 Broadway • Monticello, New York 12701 • 845-794-3391 •

Rec'd 10/8/03  
CK# 17906

TOTAL P.02

**TOWN OF NEW WINDSOR  
PLANNING BOARD**

**RECEIPT OF MONEY RECEIVED:**

DATE RECEIVED: 10-08-03

FOR: PB#02-34

FROM: **R. REESE CONSTRUCTION, LLC**

**10 RIVER ROAD**

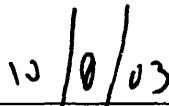
**MONTVILLE, NJ 07045**

CHECK NUMBER: **17906**

AMOUNT: **1,500.00 (FOR ARBY'S RESTAURANT)**

RECEIVED AT COMPTROLLER'S OFFICE BY:

  
\_\_\_\_\_  
NAME

  
\_\_\_\_\_  
DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

**Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611**

**RECEIPT  
#570-2003**

**06/13/2003**

**Headlee Management Corp  
257 Route 17k  
Newburgh, NY 12550**

**Received \$ 100.00 for Planning Board Fees, on 06/13/2003. Thank you for  
stopping by the Town Clerk's office.**

**As always, it is our pleasure to serve you.**

**Deborah Green  
Town Clerk**

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/12/2003

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**4% FEE**

FOR PROJECT NUMBER: 2-34

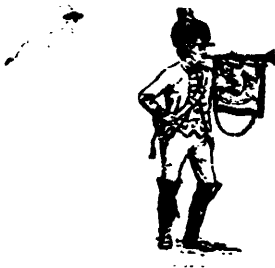
NAME: ARBYS RESTAURANT FOR HEADLEE MNGMENT PA2002-0713

APPLICANT: HEADLEE MANAGEMENT, CORP

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
06/05/2003	2% OF 124,092. COST EST	CHG	2481.84		
06/09/2003	REC. CK. #2374	PAID		2481.84	
		TOTAL:	2481.84	2481.84	0.00



Handwritten signature and date 6/12/03 inside a large oval.



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

## OFFICE OF THE PLANNING BOARD

14 November 2002

SUBJECT: HEADLEE MMT. (ARBY's) SITE PLAN  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
(NWPB REF. NO. 02-34)

To all Involved Agencies:

The Town of New Windsor Planning Board has had placed before it an application for Site Plan approval of the Arby's Restaurant Site Plan project, located on NYS Route 32 within the Town. The project involves, in general, the construction of a 90-seat 3450 s.f. restaurant on the 2+/- acre parcel. It is the opinion of the Town of New Windsor Planning Board that the action is an Unlisted Action under SEQRA. This letter is written as a request for Lead Agency Coordination as required under Part 617 of the Environmental Conservation Law.

A letter of response with regard to your interest in the position of Lead Agency, as defined by Part 617, Title 6 of the Environmental Conservation Law and the SEQRA review process, sent to the Planning Board at the above address, attention of Mark J. Edsall, P.E., Planning Board Engineer (contact person), would be most appreciated. Should no other involved agency desire the Lead Agency position; it is the desire of the Town of New Windsor Planning Board to assume such role. Should the Planning Board fail to receive a written response requesting Lead Agency within thirty (30) days, it will be understood that you do not have an interest in the Lead Agency position. Thank you for your attention to this matter. Should you have any questions regarding this notice, please feel free to contact the undersigned at the above number or (845) 567-3100.

Very truly yours,

*Mark J. Edsall, P.E.*

Mark J. Edsall, P.E., P.P.

Planning Board Engineer *ME*

NYS Department of Transportation, Poughkeepsie  
Orange County Department of Health  
George J. Meyers, Town of New Windsor Supervisor (w/o encl)  
Town of New Windsor Town Clerk (w/o encl)  
Myra Mason, Planning Board Secretary ✓  
Planning Board Attorney (w/o encl)  
Applicant (w/o encl)

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/12/2003

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
A [Disap, Appr]

FOR PROJECT NUMBER: 2-34

NAME: ARBYS RESTAURANT FOR HEADLEE MNGMENT PA2002-0713

APPLICANT: HEADLEE MANAGEMENT, CORP

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
06/11/2003	PLANS STAMPED	APPROVED
01/08/2003	P.B. APPEARANCE- PUB HEARING LA:ND CLOSE PH APPR . APPROVED SUBJECT TO LIGHTING BEING CHECKED AND D.O.T. . APPROVAL - NO PUBLIC COMMENT - NEED COST ESTIMATE - FLAG . POLE TO BE CHANGED.	
11/13/2002	P.B. APPEARANCE	SCHED PH
11/06/2002	WORK SESSION	SUBMIT



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/12/2003

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**APPROVAL**

FOR PROJECT NUMBER: 2-34

NAME: ARBYS RESTAURANT FOR HEADLEE MNGMENT PA2002-0713  
APPLICANT: HEADLEE MANAGEMENT, CORP

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
06/05/2003	APPROVAL FEE	CHG	100.00		
06/09/2003	REC. CK. #2373	PAID		100.00	
		TOTAL:	100.00	100.00	0.00

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/06/2003

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**ESCROW**

FOR PROJECT NUMBER: 2-34

NAME: ARBYS RESTAURANT FOR HEADLEE MNGMENT PA2002-0713  
APPLICANT: HEADLEE MANAGEMENT, CORP

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
11/07/2002	RECEIVED CK #222	PAID		750.00	
11/13/2002	P.B. ATTY. FEE	CHG	35.00		
11/13/2002	P.B. MINUTES	CHG	36.00		
11/15/2002	POSTAGE - LEAD AGENCY	CHG	2.12		
01/08/2003	P.B. ATTY. FEE	CHG	35.00		
01/08/2003	P.B. MINUTES	CHG	49.50		
06/05/2003	P.B. ENGINEER FEE	CHG	333.30		
06/05/2003	RET. TO APPLICANT	CHG	259.08		
		TOTAL:	750.00	750.00	0.00

4/6/03  
L.R.



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## OFFICE OF THE PLANNING BOARD

June 6, 2003

Shaw Engineering  
P.O. Box 2569  
Newburgh, NY 12550

ATTN: GREGORY SHAW, P.E.

SUBJECT: HEADLEE MANAGEMENT (ARBY'S) P.B. #02-34

Dear Greg:

Please find attached printouts of fees due for subject project. There is a balance of \$259.08 remaining in the escrow account that will be returned to the applicant.

Please contact your client, the applicant, and ask that payment be submitted in separate checks, payable to the Town of New Windsor, as follows:

Check #1 - Approval Fee.....	\$ 100.00
Check #2 - Inspection Fee.....	\$ 2481.84

Upon receipt of these checks I will have the plans stamped and signed approved.

If you have any questions in this regard, please contact my office.

Very truly yours,

Myra L. Mason, Secretary To The  
NEW WINDSOR PLANNING BOARD

MLM

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/06/2003

PAGE: 1

LISTING OF PLANNING BOARD **FEE**  
**4% FEE**

FOR PROJECT NUMBER: 2-34

NAME: ARBYS RESTAURANT FOR HEADLEE MNGMENT PA2002-0713

APPLICANT: HEADLEE MANAGEMENT, CORP

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
06/05/2003	2% OF 124,092. COST EST	CHG	2481.84		
			-----	-----	-----
		TOTAL:	2481.84	0.00	2481.84

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/06/2003

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**APPROVAL**

FOR PROJECT NUMBER: 2-34

NAME: ARBYS RESTAURANT FOR HEADLEE MNGMENT PA2002-0713  
APPLICANT: HEADLEE MANAGEMENT, CORP

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
06/05/2003	APPROVAL FEE	CHG	100.00		
			-----	-----	-----
		TOTAL:	100.00	0.00	100.00

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/06/2003

PAGE: 1

LISTING OF PLANNING BOARD **FEE**  
**APPROVAL**

FOR PROJECT NUMBER: 2-34

NAME: ARBYS RESTAURANT FOR HEADLEE MNGMENT PA2002-0713  
APPLICANT: HEADLEE MANAGEMENT, CORP

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
06/05/2003	APPROVAL FEE	CHG	100.00		
			-----	-----	-----
		TOTAL:	100.00	0.00	100.00

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/06/2003

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**4% FEE**

FOR PROJECT NUMBER: 2-34

NAME: ARBYS RESTAURANT FOR HEADLEE MNGMENT PA2002-0713  
APPLICANT: HEADLEE MANAGEMENT, CORP

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
06/05/2003	2% OF 124,092. COST EST	CHG	2481.84		
			-----	-----	-----
		TOTAL:	2481.84	0.00	2481.84

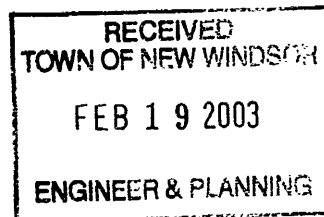
# Shaw Engineering

Consulting Engineers

744 Broadway  
P.O. Box 2569  
Newburgh, New York 12550  
(845) 561-3695

#02-34

February 18, 2003



Chairman James R. Petro, Jr. and  
Members of the Planning Board  
**TOWN OF NEW WINDSOR**  
555 Union Avenue  
New Windsor, New York 12553

Re: New Arby's Restaurant For Headlee Management Corp.  
Windsor Highway, Town of New Windsor

Gentlemen:

We have presented below for your consideration our Construction Estimate for the site improvements for the New Arby's Restaurant. Our Estimate is as follows:

## CONSTRUCTION ESTIMATE

<u>ITEM</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
Macadam Pavement	4,050 S.Y.	\$ 14	\$ 56,700
Pavement Markings	1,080 L.F.	\$ .40	\$ 432
Misc. Pavement Markings	L.S.	\$ 200	\$ 200
Handicap Sign/Striping	1	\$ 125	\$ 125
Directional Signs	9	\$ 100	\$ 900
Concrete Curbing	1,395 L.F.	\$ 10	\$ 13,950
Concrete Sidewalks	50 S.Y.	\$ 35	\$ 1,750
Catch Basins	10	\$ 1,000	\$ 10,000
15" Storm Drain Piping	218 L.F.	\$ 20	\$ 4,360
36" Storm Drain Piping	400 L.F.	\$ 40	\$ 16,000

2/19/03  
cc: M.E.



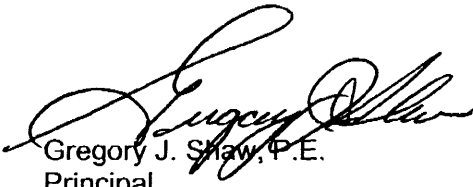
February 18, 2003

<u>ITEM</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
Pole With Single Luminaire	1	\$ 900	\$ 900
Poles With Double Luminaire	10	\$ 1,200	\$ 12,000
Refuse Enclosure	L.S.	\$ 1,500	\$ 1,500
Flagpole	1	\$ 500	\$ 500
Trees	17	\$ 125	\$ 2,125
Shrubs	106	\$ 25	\$ 2,650
Total			\$ 124,092

Should this Estimate be acceptable, my client will pay the 2% inspection fee of \$ 2,481.84.

Respectfully submitted,

**SHAW ENGINEERING**



Gregory J. Shaw, P.E.  
Principal

GJS:mmv

cc: Mark Edsall, P.E., Planning Board Engineer Via Fax  
Jan Headlee, Headlee Management Corp.

RECEIVED TOWN OF NEW WINDSOR  FEB 19 2003  ENGINEER & PLANNING
---

**Mason, Myra**

---

**From:** Mark J. Edsall [mje@mhepc.com]  
**Sent:** Wednesday, March 12, 2003 12:27 PM  
**To:** mmason@town.new-windsor.ny.us  
**Cc:** mje@mhepc.com  
**Subject:** Headlee Mmt - Arby Site Plan 02-34

Myra,

The cost estimate for Headlee prepared by Shaw is acceptable.

To confirm, the total for the site plan key items is \$ 124,092 and the inspection fee is \$2,482.

I will fax over our time printout.

Mark

Mark J. Edsall, P.E., Principal

McGoey, Hauser & Edsall, C.E., P.C.  
33 Airport Center Drive, Suite 202  
New Windsor, NY 12553

AS OF: 03/12/2003

PAGE: 1

## CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 2- 34

FOR WORK DONE PRIOR TO: 03/12/2003

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION	RATE	HRS	TIME	DOLLARS		
									EXP.	BILLED	BALANCE
2-34	201824	09/04/02	TIME	MJE	WS ARBYS S/OP	88.00	0.40	35.20			
2-34	206878	11/06/02	TIME	MJE	WS ARBY'S S/P	88.00	0.40	35.20			
2-34	207525	11/12/02	TIME	MJE	MC HEADLESS ARBYS	88.00	0.50	44.00			
2-34	207526	11/12/02	TIME	MJE	MC DISC ARBYS W/SHAW	88.00	0.30	26.40			
2-34	207551	11/15/02	TIME	MJE	MC ARBYS L/A LETTER	88.00	0.50	44.00			
2-34	209737	12/09/02	TIME	MJE	MC HEADLEE (ARBYS)	88.00	0.50	44.00			
									228.80		
2-34	211508	12/31/02			BILL 03-182 1/15/03					-228.80	
										-228.80	
2-34	211230	01/08/03	TIME	MJE	MC HEADLEE S/P CONDO APP	95.00	0.10	9.50			
2-34	212874	01/21/03	TIME	MJE	MC TC/SHAW RE ARBYS LTG	95.00	0.30	28.50			
									38.00		
2-34	216604	02/24/03			BILL 03-282					-38.00	
										-38.00	
2-34	218030	03/12/03	TIME	MJE	MC Cost Est Review/Memo	95.00	0.70	66.50			
TASK TOTAL								333.30	0.00	-266.80	66.50
GRAND TOTAL								333.30	0.00	-266.80	66.50

~~ATT MYRA~~

3/12/03  
 ? Check plans after Greg submits them  
 He is waiting for D.O.T. Permit first

TOTAL P.01

HEADLEE MANAGEMENT (ARBY'S) (02-34)

Mr. Greg Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: Proposed new construction, I'm going to excuse myself because I'm 50% owner in the property and turn it over to the Vice Chairman, Mr. Argenio.

MR. ARGENIO: Okay, Mr. Shaw, tell us what we're doing here.

MR. SHAW: For the record, my name is Greg Shaw and I'm with Shaw Engineering and I'm representing Headlee Management tonight, a new Arby's Restaurant. The restaurant will be situated on a two acre parcel located on the west side of Windsor Highway immediately north of the Kentucky Fried Chicken/Long John Silver Restaurant which I believe opened this week. What my applicant is proposing is to construct a 3,450 square foot restaurant for 90 seats according to the zoning ordinance of New Windsor. We're obligated to provide for the 90 seat restaurant a total of 30 parking spaces. We're providing 55 spaces, well in excess of what's required. With respect to utilities, we'll be connecting to the town's water system, the town's sanitary sewer system and with respect to storm drainage we'll be tying into the state drainage system on Windsor Highway. We have been in contact with the New York State DOT, we have made a submission to the DOT and today I got some review comments back from the Poughkeepsie office of the DOT. Today, I talked to Mr. Richard Burns and he said I was at liberty to tell this board that we're in the permit process with the DOT. He cannot guarantee that the curb cut is going to be in that exact location cause he wants some sight distance information, had he had that information, he'd be able to basically commit to the entrance being in that location but he says we'll get a permit for the site. So I just want to let you know that the DOT has looked at it, the procedure is different now rather than submitting everything in its entirety to the DOT and getting a permit out of the Poughkeepsie relatively quickly, they want to submit the plans to the DOT, it goes up to Poughkeepsie for their review comments back

to exchange the plans and then make the formal submission, much more time consuming but we did make our submission over a month ago. There's a few other components of the site I'd like to bring to the board's attention. On the southerly side of the project, we have made an interconnect to the parking lot of KFC/Long John Silver's, in fact, the board requested that we relocate the refuse enclosure on the northerly portion of the site to allow for an extension of that aisle to the property to the north. We have done that as you have requested.

MR. LANDER: Mr. Shaw, are they going to be able to access that with the drive-thru lane there?

MR. SHAW: The dumpster is going to be accessed during off hours, so I really don't see the drive-thru lane being a problem. Couple other aspects of it, if you look on the northerly, excuse me, the southerly portion of the site towards the front, you see we have tried to create a landscaped area for the flags. Again, as this applicant is the applicant for Kentucky Fried Chicken, there was a flag pole that was approved for that site, what we'd like to do is to take that flag pole and relocate it to the common property line between the two parcels, create a landscaped area for four flags, American flag, New York State flag, Kentucky Fried Chicken flag and Arby's flag.

MR. ARGENIO: Very patriotic of you. It's illuminated as well?

MR. SHAW: Yes and we think it would be a very nice feature for the site. With that, we'd like to get relief from the flag pole for the KFC site because it will be transposed to the common area.

MR. LANDER: You'll have to come back in for that, Mr. Shaw.

MR. SHAW: I'll take care of that. This site is approximately two acres, we're only going to be developing about 70 percent of it, the balance of the site which is up against Washington Green which is a residential zone we have tried to leave as much of the

natural vegetation there as possible. We probably have about 125 feet from the edge of parking to our rear property line which we think is more than a substantial buffer to the residential area and I'm just going down my list, I think that may conclude the points that I want to make to the board.

MR. LANDER: I don't want to get off on the wrong foot, can you tell me whether or not the lights at the Long John Silver's/Kentucky Fried Chicken restaurant, those lights, are they consistent with the other lights like at Shop Rite and as far as for a poor choice of words glare?

MR. SHAW: No, we never spoke to that issue.

MR. LANDER: Can you tell me in fact whether they're like Shop Rite's or not?

MR. SHAW: I haven't been by Shop Rite at night, so I can't speak to that. Your feeling is that's too much glare?

MR. LANDER: I don't know, may have been it was just--

MR. SHAW: Is it illuminated or just glare?

MR. LANDER: It was like Sunshine Ford, did you ever go up there, the lights, you can't even look at them.

MR. ARGENIO: Talking about Shop Rite?

MR. LANDER: They have a nice glow to them. These seemed awful bright. So we're going to have to, my reason for bringing that up is maybe we don't want the same lights on this project as on Long John Silver's.

MR. SHAW: I don't know if it's the lights as much as it's the type and the spacing. The landscaping, excuse me, the lighting plan was not prepared by my office, the lighting manufacturer did the design of the light system, in fact, this drawing that's before the board has the title block on this and represents their design and on there are the foot candles, the illumination patterns of the fixtures. If the board feels they're

too bright, the information is here, it's really a subjective call, all right, just we'll go back to the manufacturer and tone it back.

MR. LANDER: I think what the board should do is take a look at it because I think they should all be consistent up the corridor. Shop Rite just went through all that and anything north of that should, the lighting should be consistent. It just seemed to me that it was a real glare.

MR. ARGENIO: So you want to have consistent isolux curves?

MR. SHAW: I don't know how you can do that.

MR. LANDER: No, not the illumination so much but just seemed like they were very glaring. If you looked at Shop Rite, it gave you that softer look, it gave you the light but it was softer light.

MR. ARGENIO: Mark, is there anything, I mean, I understand Ron's point, it may be the function of the height of the poles or whatever, I don't know, maybe it's something.

MR. EDSALL: I'm going to check into it, see the type of fixture height, type of bulb, wattage and I'll get ahold of Greg.

MR. ARGENIO: I thought Long John Silver's was the white light.

MR. EDSALL: Either low or high pressure sodium.

MR. ARGENIO: Maybe you can take a look at that.

MR. LANDER: You're not near approval yet anyway.

MR. ARGENIO: Going through the drive-thru, what's the symbol on the right side?

MR. SHAW: I'm calling that as a Siamese connection from one building to the other.

MR. ARGENIO: On November 26, 2002, 19 addressed envelopes went out containing the attached notice of public hearing. Right now, we're going to open this application up for review of the public. If there's anybody here that has any comments or questions about this application, wants to speak for or against, please step forward and state your name and address and be recognized by the Chair. Let the record reflect that nobody has spoken up, therefore, nobody's interested. I will entertain a motion to close the public hearing.

MR. BRESNAN: So moved.

MR. KARNAVEZOS: Second it.

MR. ARGENIO: Motion has been made and seconded to close the public hearing on the Headlee Management site plan. If there's no further discussion from the board, I will have a roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Public hearing is now closed. At this time, I'd like to entertain, we have seen this several times, if you guys remember there was a larger building if I remember slated to go here and this new restaurant on these plans fits actually inside the footprint of that original approved plan. Is that right, Mr. Shaw?

MR. SHAW: You're close, you're referring to next door to Kentucky Fried Chicken site used to be the Ponderosa but yes, we have been before this board.

MR. ARGENIO: Isn't this the site where the small strip mall was approved or is that the site further to the north?

MR. SHAW: What was approved for this site and this board approved in the year 2000 I think was two separate buildings totaling 15,000 square feet of



office space which got approved from this board but was never permitted by the DOT. So I guess you could say the approval lapsed, that's the only thing that was permitted on this site. On the KFC site to the south was the Ponderosa Restaurant and that's the building footprint that fell inside the existing building. But we had been before this board, we did get review comments from your engineer and all the drawings have been revised. According to the comments, there's only two outstanding items that I know of, one is the issue of the DOT and it will probably be a month before we have a permit in hand and I would ask the board to grant site plan approval subject to and then the other issue is the point that Mr. Lander brought up tonight if you feel it's relevant, the lighting.

MR. ARGENIO: I think it's relevant, I think it's relevant enough to have Mark look at it. Mark, help me with comment 2, the second paragraph.

MR. EDSALL: That was because the 30 day time would not have been elapsed by the December meeting and this was originally scheduled now clearly the 30 days is up so you can assume lead agency and proceed. Remember, these comments were all prepared for the December meeting.

MR. ARGENIO: I'll take a motion that we assume the position of lead agency.

MR. LANDER: So moved.

MR. BRESNAN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board take a position of the lead agency on the Headlee Management site plan. Is there any further discussion? If not, roll call.

#### ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE

MR. EDSALL: Mr. Chairman, one other item which Mike and I just checked in the code which can be corrected but can't stay as it's shown, the code does not permit four flags on a single lot, that was one of the restrictions that went in for the sign regulations a number of years ago. However, if they move the landscaping flag pod toward the front and then overlapped it on the property line, they can put at least one flag on the adjacent property and have it commonly landscaped.

MR. ARGENIO: So how can they, how can they dictate what another property owner is to do?

MR. EDSALL: The property owner would just ask you to move the flag pole from where it's shown on the KFC site adjoining this one and they'd be commonly lit but on two different properties.

MR. LANDER: Where are you going to put that?

MR. EDSALL: It's the same owner, the striped area that's down at the lower end of the KFC's parking could be filled in and then that whole area could just become a common landscaped flagged area, it would be several feet closer to the road.

MR. LANDER: How many feet from the road do you have to be?

MR. EDSALL: By code, you can go up right up to the line, they'd still be set back but solve that problem.

MR. ARGENIO: Right where the 284 contour is, Mark, is that possible or too close to the road?

MR. EDSALL: You've about 15 feet back where if you fill in the area, you're probably 25, so I think either one works, obviously, flag pole isn't going to obstruct sight distance, it's a thin element.

MR. ARGENIO: What does the code say quantity?

MR. EDSALL: Three maximum.

MR. EDSALL: So if it's acceptable, we can get something on the record for adjusting the KFC later on, we'll just work with them to put in a location they're happy with and it can't obstruct sight distance, that's the only restriction.

MR. ARGENIO: Can we impose that upon them at that point in time?

MR. EDSALL: We're offering that as a solution, if they don't want to move it, they can eliminate one or go to the zoning board.

MR. LANDER: They don't want to do that.

MR. SHAW: No. Don't view it as imposing that on us, if that's an option, we would certainly.

MR. ARGENIO: I mean KFC people.

MR. SHAW: They're one in the same, that's what makes it so much easier.

MR. EDSALL: Same owner.

MR. ARGENIO: I don't see any issue there at all.

MR. KARNAVEZOS: Like you said, either move them in, they own both properties or lease both properties, move it over enough or just go with three flag poles, either one.

MR. LANDER: You're not proposing any bumper blocks in the parking lot, these are just painted lines?

MR. SHAW: No, all going to be curbed with painted striping. One point I would like to just bring out to the board this is for Mr. Argenio's attention, at the last planning board meeting, you mentioned about the macadam valleys running through the pavement trying to take the storm water, bring it up against the curb line, said I'd go back and take a look at it, I was able to accomplish that so we have minimized the valleys to bring the water from the rear of the building to the curb line then it will flow along the

curb line as you suggested.

MR. ARGENIO: I see that the only gully in the pavement that you have now looks to me like it's on the west side of the building, is that correct?

MR. SHAW: You have a little piece coming off the rear, you have to put a valley to drain that but I'm getting it up against the curb line as quickly as possible.

MR. ARGENIO: What about SEQRA, have we done that yet?

MR. EDSALL: Not yet.

MR. ARGENIO: Take a motion for negative dec under the SEQRA process.

MR. LANDER: So moved.

MR. BRESNAN: Second it.

MR. ARGENIO: Motion has been made and seconded for a negative declaration under the SEQRA process for Headlee Management site plan. If there's no further discussion, I'd like to have a vote.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'm going through Mark.

MR. EDSALL: Comment 3 they have already taken care of.

MR. ARGENIO: The whole thing?

MR. EDSALL: Yes.

MR. ARGENIO: How is that possible?

MR. EDSALL: Because of the postponement of the meeting from December, Greg didn't waste any time in correcting

the plan.

MR. LANDER: Should I look at the detail of the dumpster?

MR. SHAW: It states on the drawing 6 foot high 24 foot by 12 foot masonry enclosure using decorative block.

MR. SHAW: What we have done is created the landscaping and it's going to go around the flag poles so what we don't want to do is obstruct sight distance and we want to, we want low decorative cover.

MR. ARGENIO: I am the vice chairman and this is my first night running a meeting so if I'm missing anything, I would ask the other board members to chime in, Mark, especially you and Mike, but the only issues that I see on this plan are the pole issue which we have discussed and Mark, you can work that out with Mr. Shaw.

MR. EDSALL: Comment 4 lists two items.

MR. ARGENIO: Bond estimate which I have here, the lighting which Mark hopefully you can review with Mr. Shaw and tie that down, make sure we don't have any glaring lights that are going to create a suntan or sunburn of sorts in the evening. And Mark, is there any problem with this based on this discussion we had tonight and discussions with Mr. Shaw that would, is there any reason we can't give this approval subject to the DOT access on 32 being worked out?

MR. ESDALL: I see no problem, even if they adjust the exact location of the access point, he can adjust the plan and if we think there's a problem, we'll bring it back.

MR. ARGENIO: Does anybody else have any issues on this application?

MR. BRESNAN: No.

MR. LANDER: No.

MR. ARGENIO: All that being said, I'll take a motion for final approval subject to, I'll read the subject-to's in.

MR. BRESNAN: Yes, subject to.

MR. LANDER: Second it.

MR. ARGENIO: Motion has been made and seconded that we grant, New Windsor Planning Board grant final approval to the Headlee Management Arby's on Route 32 subject to the following things, I'm going to read in with Mark's help, if there's no further discussion from the board members, I'd like to have a vote.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE

MR. ARGENIO: This is all subject to the light, the flag pole being worked out with the third flag pole, fourth flag pole being located on the KFC property, it's subject to New York State DOT approval which apparently is immanent, a bond estimate being submitted for this plan in accordance with Chapter 19 of the Town Code and it's subject to Mr. Edsall going through reviewing with Mr. Shaw that the lighting is not this metal lighting that we're trying to avoid in the town that's very glaring. Mark, did I miss anything?

MR. EDSALL: Got 'em all.

MR. ARGENIO: I'm going to add one last thing everybody please bear with me, I should of said this before but I will say it now. On 11/8/2002, we do have fire approval from the fire inspector and we have water, sewer and highway. I think that's it, you're done.



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

**RICHARD D. McGOEY, P.E.** (NY & PA)

**WILLIAM J. HAUSER, P.E.** (NY & NJ)

**MARK J. EDSALL, P.E.** (NY, NJ & PA)

**JAMES M. FARR, P.E.** (NY & PA)

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fax: (845) 567-3232

e-mail: mheny@mhepc.com

*Writer's e-mail address:*

*mje@mhepc.com*

**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** HEADLEE MANAGEMENT SITE PLAN  
(ARBY'S RESTAURANT)  
**PROJECT LOCATION:** WINDSOR HIGHWAY (NYS ROUTE 32)  
SECTION 35 – BLOCK 1 – LOT 102.1  
**PROJECT NUMBER:** 02-34  
**DATE:** 11 DECEMBER 2002  
**DESCRIPTION:** THE APPLICATION PROPOSES THE CONSTRUCTION OF A 3,450 S.F.  
RESTAURANT ON THE 2 +/- ACRE SITE. THE PLAN WAS  
PREVIOUSLY REVIEWED AT THE 13 NOVEMBER 2002 MEETING.  
THE APPLICATION IS BEFORE THE BOARD FOR A PUBLIC  
HEARING AT THIS MEETING.

1. The property is located in the C zoning district of the Town. The proposed use is use by right A-18 in the zone. The bulk information on the plan appears correct for the zone and use group. The site easily meets the minimum requirements.
2. A Lead Agency coordination letter was issued on 14 November 2002. If a response of non-interest has been received from NYSDOT, the Planning Board can assume the position of Lead Agency under the SEQRA review process.
3. The following corrections are required on the plans and issues are noted:
  - Correct one-way sign identification on sheet 1 (R3-11 signs must be corrected to R3-10)
  - The sign on the north side of the exit drive (noted as R3-15) should be called a "Do Not Enter" sign.
  - Landscaping treatment must be added around the site sign (as per discussion with Board)
  - The dumpster was to be relocated and the current area reserved for a through connection to adjoining lot.

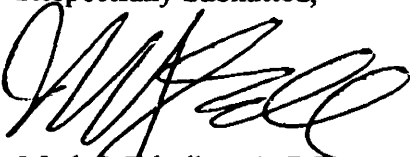
**REGIONAL OFFICES**

- 507 Broad Street • Milford, Pennsylvania 18337 • 570-296-2765 •
- 540 Broadway • Monticello, New York 12701 • 845-794-3391 •

4. All previous comments have been addressed. If no additional concerns are noted as part of the public hearing, the plans appear adequate for a conditional approval. Conditions should include the above, and the following procedural items must be taken care of:

- The Planning Board may wish to make a determination regarding the type action this project should be classified under SEQRA, and make a determination regarding environmental significance.
- The Planning Board should require that a bond estimate be submitted for this Site Plan in accordance with Chapter 19 of the Town Code.
- Any approval must be conditional on permit approval from the NYSDOT.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.  
Planning Board Engineer



## STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION

## HIGHWAY WORK PERMIT

Permit Fee: \$ 0.00  
 Insurance Fee: \$ 550.00  
 Total Received: \$ 116  
 Check or M.O. No.: 116

PERM 17 on file: 02/25/2003/21/  
 NA

Permit No.: 8-02-1205  
 Project Identification No.: 10/31/2003  
 Expiration Date: 9033  
 SH No.: 5000.00  
 Deposit Rec. for \$: 117  
 Check or M.O. No.: 02/25/2003  
 Dated: 0.00

\*Permittee: R. REESE CONSTRUCTION LLC  
 10 RIVER ROAD  
 MONTVILLE, NJ 07045  
 att: ROBERT REESE

Estimated Cost of Work Performed in the State Right-of-Way \$

Chargeable to Bond No.: (\$ 0.00)  
 or Undertaking on File: NA

Billing Address: (Complete if different from above)

Return of Deposit Made Payable to: (Complete if different from Permittee)

Under the provisions of the Highway Law or Vehicle & Traffic Law, permission is hereby granted to the permittee to:  
 THE CONSTRUCTION OF A 30 FOOT WIDE HIGHWAY ENTRANCE WITH A DISCHARGE (STORMWATER) TO THE STATE'S DRAINAGE SYSTEM.

ATTACHMENTS APPLY

THE PERMITTEE IS RESPONSIBLE FOR THE MAINTENANCE AND PROTECTION OF TRAFFIC. ANYONE WORKING IN THE STATE HIGHWAY RIGHT-OF-WAY IS REQUIRED TO WEAR HIGH VISIBILITY APPAREL (ORANGE/YELLOW) AND HARD HAT.

County - ORANGE

Municipality - NEW WINDSOR

Route # - 32

as set forth and represented in the attached application at the particular location or area, or over the routes as stated therein, if required; and pursuant to the conditions and regulations general or special, and methods of performing work, if any; all of which are set forth in the application and form of this permit.

Dated at: POUGHKEEPSIE, N.Y.  
 Date Signed: 03/27/2003

Commissioner of Transportation

By: 

## IMPORTANT

THIS PERMIT, WITH APPLICATION AND DRAWING (OR COPIES THEREOF) ATTACHED SHALL BE PLACED IN THE HANDS OF THE CONTRACTOR BEFORE ANY WORK BEGINS. THE HIGHWAY WORK PERMIT SHALL BE AVAILABLE AT THE SITE DURING CONSTRUCTION.

BEFORE WORK IS STARTED AND UPON ITS COMPLETION, THE PERMITTEE ABSOLUTELY MUST NOTIFY THE RESIDENT ENGINEER,

TERRY TOBIN  
 (845)562-4020

112 DICKSON STREET  
 NEWBURGH, NEW YORK 12550

UPON COMPLETION OF WORK AUTHORIZED, THE FOLLOWING WILL BE COMPLETED, SIGNED BY THE PERMITTEE AND DELIVERED TO THE RESIDENT ENGINEER.

Work authorized by this permit has been completed. Refund of deposit or return/release of bond is requested.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PERMITTEE

\_\_\_\_\_  
AUTHORIZED AGENT (If Any)

Work authorized by this permit has been satisfactorily completed and is accepted. **Reverse side of this form must be completed.**

- ☐ Refund of Deposit is authorized
- ☐ Return of Bond is authorized
- ☐ Amount charged against Bond may be released
- ☐ Retain Bond for future permits
- ☐ Other

\_\_\_\_\_  
DATE

\_\_\_\_\_  
RESIDENT ENGINEER

The Regional Office will forward this form to the Main Office with the appropriate box checked.

- ☐ Permit closed
- ☐ Bond returned/released
- ☐ Refund of Guarantee Deposit on this permit is authorized
- ☐ Other

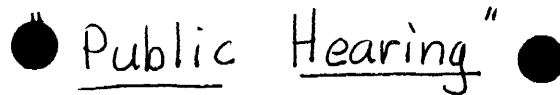
\_\_\_\_\_  
DATE

\_\_\_\_\_  
REGIONAL TRAFFIC ENGINEER

The issuing authority reserves the right to suspend or revoke this permit, at its discretion without a hearing or the necessity of showing cause either before or during the operations authorized.

The Permittee will cause an approved copy of the application to be and remain attached hereto until all work under the permit is satisfactorily completed, in accordance with the terms of the attached application. All damaged or disturbed areas resulting from work performed pursuant to this permit will be repaired to the satisfaction of the Department of Transportation.

\* Upon completion of the work within the state highway right-of-way, authorized by the work permit, the person, firm, corporation, municipality, or state department or agency, and his or its successors in interest, shall be responsible for the maintenance and repair of such work or portion of such work as set forth within the terms and conditions of the work permit.



**RESULTS OF P.B. MEETING OF:**

January 8, 2003

**PROJECT:**

Headlee Management (Arby's)

P.B. # 02-34

**LEAD AGENCY:**

AUTHORIZE COORD. LETTER: Y\_\_\_\_N\_\_\_\_

TAKE LEAD AGENCY: Y ☒ N ☐

M) L S) B VOTE: A 4 N 0

CARRIED: Y ✓ N   

**NEGATIVE DEC:**

M) L S) B VOTE: A 4 N 0

CARRIED: Y ✓ N   

Petro has excused himself from this proceeding - as he is Co-Owner

**PUBLIC HEARING:**

**WAIVED:**

CLOSED: ✓

M) B S) K VOTE: A 4 N 0

SCHEDULE P.H.: Y\_\_\_\_\_N\_\_\_\_\_

SEND TO O.C. PLANNING: Y

SEND TO DEPT. OF TRANSPORTATION: Y

REFER TO Z.B.A.: M)\_\_\_\_S)\_\_\_\_ VOTE: A ✓ N\_\_\_\_\_

RETURN TO WORK SHOP: Y\_\_\_ N\_\_\_

**APPROVAL:**

M) L S) B VOTE: A 4 N 0

APPROVED: 1/8/03

NEED NEW PLANS: Y ☒ N ☒

**CONDITIONS – NOTES:**

Check the brightness of liters - To be checked by Mark  
D.O.T. To be checked by Mark

No Public Comment

## Need Cost Estimate

flag pole to be changed

PLANNING BOARD : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK

-----X  
In the Matter of Application for Site Plan/Subdivision of

Headlee Mgmt - (Arby's)

Applicant.

AFFIDAVIT OF  
SERVICE  
BY MAIL

-----X  
STATE OF NEW YORK )  
                              ) SS.:  
COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age  
and reside at 350 Bethlehem Road, New Windsor, NY 12553.

<sup>67</sup>  
On November 26, 2002, I compared the 10 addressed  
envelopes containing the attached Notice of Public Hearing with  
the certified list provided by the Assessor regarding the above  
application for Site Plan/Subdivision and I find that the  
addressees are identical to the list received. I then mailed the  
envelopes in a U.S. Depository within the Town of New Windsor.

Myra L. Mason  
Myra L. Mason, Secretary for  
the Planning Board

Sworn to before me this

26<sup>th</sup> day of November, 2002

[Signature]  
Notary Public

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified In Orange County  
Commission Expires 10/30/ 2006

★ LEGAL NOTICE ★

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF  
NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC  
HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on  
DECEMBER 11, 2002 at 7:30 P.M. on the proposed Site Plan Approval for

HEADLEE MANAGEMENT CORP. (ARBY'S)

(Tax Map #Section 35, Block 1, Lot 102.1)

Located at WEST SIDE OF WINDSOR HIGHWAY

Map of the Site Plan is on file and may be inspected at the **Planning Board**

**Office**, Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public  
Hearing.

Date: NOVEMBER 14, 2002

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr., Chairman

45-1-59.21

Brauvin Capital Partners, LLC  
D/B/A BCP, LLC  
30 N. LaSalle Street, Suite 3100  
Chicago, IL 60602

35-1-102.2

Route 32 Associates  
C/o Daniel Rubin Co  
147-39 175<sup>th</sup> Street  
Jamaica, NY 11434

45-1-39

North Plank Development Co., LLC  
5020 Route 9 W  
Newburgh, NY 12550

45-1-40.1

Rottmeier Dev. Co. Inc.  
C/o Rudolph Rottmeier  
2 Park Place A 3E  
Newburgh, NY 12550

45-1-40.21

Planet Wings Inc.  
24 Sunnyside Ave.  
Middletown, NY 10940

George J. Meyers, Supervisor  
Town of New Windsor  
555 Union Ave.  
New Windsor, NY 12553

Deborah Green, Town Clerk  
Town of New Windsor  
555 Union Ave.  
New Windsor, NY 12553

Andrew Krieger, ESQ.  
219 Quassaick Ave.  
New Windsor, NY 12553

James Petro, Chairman  
Planning Board  
555 Union Ave.  
New Windsor, NY 12553

Mark J. Edsall, P.E.  
McGoey and Hauser  
Consulting Engineers, P.C.  
33 Airport Center Drive, Suite 202  
New Windsor, NY 12553

10 sent



Address Label

**PREVIOUS  
DOCUMENTS  
IN POOR  
ORIGINAL  
CONDITION**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 563-4631  
Fax: (914) 563-4693

## Assessors Office

July 2, 2002

Gregory Shaw  
744 Broadway  
Newburgh, NY 12550

Re: 35-1-102.1

Dear Mr. Shaw:

According to our records, the attached list of property owners are abutting to the above referenced properties.

The charge for this service is \$25.00, minus your deposit of \$25.00.

There is no further balance due.

Sincerely,

Leslie Cook  
Sole Assessor

LC/bw  
Attachment

CC: Myra Mason, PB





McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

**RICHARD D. McGOEY, P.E. (NY & PA)**

**WILLIAM J. HAUSER, P.E. (NY & NJ)**

**MARK J. EDSALL, P.E. (NY, NJ & PA)**

**JAMES M. FARR, P.E. (NY & PA)**

**MAIN OFFICE**

33 Airport Center Drive

Suite 202

New Windsor, New York 12553

(845) 567-3100

fax: (845) 567-3232

e-mail: mheny@mhepc.com

Writer's e-mail address:

mje@mhepc.com

**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** HEADLEE MANAGEMENT SITE PLAN  
(ARBY'S RESTAURANT)  
**PROJECT LOCATION:** WINDSOR HIGHWAY (NYS ROUTE 32)  
SECTION 35 - BLOCK 1 - LOT 102.1  
**PROJECT NUMBER:** 02-34  
**DATE:** 13 NOVEMBER 2002  
**DESCRIPTION:** THE APPLICATION PROPOSES THE CONSTRUCTION OF A 3,450 S.F.  
RESTAURANT ON THE 2 +/- ACRE SITE. THE PLAN WAS REVIEWED ON A  
CONCEPT BASIS ONLY.

1. The property is located in the C zoning district of the Town. The proposed use is use by right A-18 in the zone. The bulk information on the plan appears correct for the zone and use group. The site easily meets the minimum requirements.
2. The Planning Board may wish to assume the position of Lead Agency under the SEQRA review process.
3. The Planning Board may wish to authorize the issuance of a Lead Agency Coordination letter for the project, to begin the SEQRA review process. The applicant should submit eight (8) sets of drawings and the environmental form for this purpose.
4. The Planning Board should determine, for the record, if a Public Hearing will be required for this Site Plan, per its discretionary judgment under Paragraph 48-19.C of the Town Zoning Local Law.
5. Submittal of this application/plan to the NYSDOT, NYSDEC, OCDOH, OCPDW, OCPD will be necessary.

Respectfully Submitted,

Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

MJE/st

NW02-34-13Nov0202.doc

**REGIONAL OFFICES**

- 507 Broad Street • Milford, Pennsylvania 18337 • 570-296-2765 •
- 540 Broadway • Monticello, New York 12701 • 845-794-3391 •

HEADLEE MANAGEMENT (ARBY'S RESTAURANT) (02-34)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: Proposed new construction 3,450 square foot building with associated site plan improvements and for the minutes, Franny, I have to note that I am 50% stockholder of the corporation that owns the land so I will excuse myself and Mr. Lander will run the meeting.

MR. SHAW: Good evening, for the record, my name is Gregory Shaw and I'm with Shaw Engineering representing Headlee Management Corporation. As the chairman mentioned, this is a proposed 90 seat Arby's Restaurant to be located on the west side of Windsor Highway immediately north of the Kentucky Fried Chicken which is presently under construction. The parcel is two acres in size and it's a permitted use in the Design C shopping district. As I mentioned, it will have a capacity of 90 seats. And according to your zoning, we're obligated to provide a total of 30 parking spaces. We're providing a total of 58 spaces so we're well in excess of that. We realize that the property abuts a residential project, Washington Green, and with that, we have left a large area of the woods undisturbed, if I had to guess, it's probably about maybe 130 feet between the edge of the macadam pavement and the rear property line which abuts Washington Green. One point I'd like to bring to the board's attention with respect to Kentucky Fried Chicken that there's an access proposed on this plan as there was with Kentucky Fried chicken to interconnect the two parcels seeing they're owned by the same entity, it would make sense if somebody was at Kentucky Fried Chicken and wanted to go to Arby's, they wouldn't have to go out on the state highway and into Kentucky Fried Chicken or vice versa and because they're run by the same entity, my client will have a lease over the Petro property and the lease property we're not going to provide mutual right-of-ways, what we would like to enter into the record though is that should one of the franchises be sold, then the document will have to be generated granting mutual right-of-way over the two pieces or have the interconnect removed. Presently on

the site there's minimal vegetation. It was recently removed. Along with the new building will be a brand new parking lot, we're proposing a new sanitary line, a water main proposed for domestic consumption and for fire protection. The highway entrance on Windsor Highway we'll have to get approval from the DOT for the highway entrance and for the utility hookups. The plans that are before you are complete, along with the site plan, the grading plan, there's an appropriate utility plans, landscaping plans, lighting plans and I may point out also that there's a masonry refuse enclosure which is the board's preference located on the property as it abuts to the northern property line so Mr. Lander, that's a brief overview and I will be happy to answer any questions the board might have.

MR. LANDER: Let me start off by saying I like the interconnect idea, then we have who, do we know who Route 32 Associates is?

MR. BABCOCK: That's John Miller.

MR. LANDER: It would be nice if they're interconnected.

MR. BABCOCK: He comes in, we can, probably where the dumpster area is and possibly locate that at a future date.

MR. LANDER: Or can we lose three spaces. Do you have--

MR. SHAW: Sure, we're almost double what we're obligated to provide.

MR. LANDER: Lose three spaces instead of losing the dumpster area and still have the interconnect which is good. All right, for the record, we have municipal water approved, sewer approved and municipal fire approved on 11/08 and 11/12/02.

MR. ARGENIO: Mr. Lander, Mr. Shaw, if I may, what's the purpose of the drainage swale in the pavement? Generally, it's a sheet flow to the curb line where it's controlled at the curb line and directed to the

catch basin or similar structure.

MR. SHAW: Basically, it's nothing more than a valley in the macadam pavement and what I am doing is using that to direct the flow to that center valley and have that valley directed towards the catch basin. What I am trying to do is to get the water to flow to the catch basin in very simple terms.

MR. ARGENIO: I understand that but why not have the flow line at the curb line where the people who park there are not going to be walking through the water if it's raining? Usually, it sheetflows away from the building to the curb the furthest away or off the pavement, I'm wondering if there's an elevation feature or something on the site that's preventing you, preventing you from doing that.

MR. SHAW: There's an elevation feature, what happens there's going to be a lot of grading, we're going to be doing a lot of cutting on the southerly end and a lot of filling on the northerly end and it just worked easier with respect to the grading to direct it around from the back of the building. What happens is I have a large area that's relatively flat going from front to back, I can't put too much pitch in this front parking area, obviously from curb to curb from front to back is flat then I will, so I have to be able to wrap the water around the back and I have to do that with the swale cause I want to pitch it away from the building also. So by pitching it in this fashion pitching it away from the building, that's where I start my valley, okay, and I probably could take it and bring it over to the curb line quicker, all right, but what I did was I worked it over to this rip-rap swale so it went through the, I wouldn't say through the center of the parking area but through the side of it but I'm still going to have that swale there because I have to get water from the back of the building.

MR. LANDER: So we have a pretty good grade difference between the back property or the back curb line and the property line in the back?

MR. SHAW: Yes, you'll have an embankment that's going

to go from 285 which is the highest contour in the parking area to 295 which is the top of the embankment.

MR. LANDER: I see it says in the back here Washington Green gravel drive, what is it, an emergency access?

MR. SHAW: I believe that's what it is, yes.

MR. BABCOCK: Yes.

MR. LANDER: Do I see a flag pole on here?

MR. SHAW: Yes, you do.

MR. LANDER: Where is it?

MR. SHAW: In this location.

MR. LANDER: Okay, yup.

MR. ARGENIO: And you also indicate what's to be hung on there, unlike a lot of engineers.

MR. SHAW: Yes, I was directed years ago to make sure a flag is notated on the pole.

MR. ARGENIO: I think that you should maybe also look into some low ground cover in the front of the, between the state right-of-way and the curb maybe around the sign there, I see a sign indicated.

MR. SHAW: Yeah, that would make sense, to be honest with you, when I went to the workshop session last week, we discussed about the signage in that location and Mark brought that up.

MR. ARGENIO: You don't want to block the view of the building but that's just a big flat green.

MR. SHAW: Your engineer mentioned about some low growth plantings, in order to get the plans in the next day, I didn't have time to address it but I did plan on bringing it up at the next several editions.

MR. LANDER: Talking about the, between the line of the

curb and the building?

MR. ARGENIO: Yeah, I think it would green the place up nice.

MR. LANDER: How about the dumpster detail, what are you making this dumpster, what's it going to be made out of, the same material as the building?

MR. SHAW: Yes, if you note on the plan I have now six foot high, 24 x 12 foot masonry refuse using decorative block.

MR. LANDER: You're right on top of it, Mr. Shaw. We have a wood swinging gate?

MR. SHAW: Yes, with some bollards to protect the corners.

MR. LANDER: Town of New Windsor would like to assume lead agency under SEQRA review process.

MR. SHAW: I don't know if we can do that. I will defer to Mark, he's more of an expert on SEQRA than myself.

MR. EDSALL: Yeah, cause DOT's involved so I will ship that out if it's okay.

MR. LANDER: Need a motion?

MR. EDSALL: No, just as long as you agree.

MR. SHAW: Mr. Chairman, you're better at procedural issues than I am but I think where we are right now is I think the board I would ask that the board to decide whether or not they'd want a public hearing. If they do want a public hearing, then I'd like to schedule it for December seeing that there's only one more meeting between now and the end of the year. And we're in a position to move forward if that's what the board's decision is. Again, a public hearing is discretionary, you may decide not to have the public hearing, but if you do, I'd just like to get it out of the way tonight so we can conclude that issue by the end of the year.

MR. LANDER: Let me poll the board, myself, I think we should have a public hearing, just because Washington Green is behind it, but yet, you know, there's commercial on both sides, in front of it, but my vote is for a public hearing.

MR. ARGENIO: I think it's very high profile and I think if I lived in Washington Green, I'd want to know about it.

MR. KARNAVEZOS: Same.

MR. LANDER: So we're going to have a public hearing.

MR. SHAW: I can work out the details with Myra to have it for December. Thank you.

MR. LANDER: You have to submit your application to DOT.

MR. EDSALL: The other agencies, it's just a typo, they are not required but DOT is absolutely necessary.

MR. LANDER: What are we going to have in the front here, what's going to take the water from coming out this entrance and onto the road?

MR. SHAW: What I have, I have two catch basins right at the mouth, all right, and the reason they are somewhat removed from the very edge of the pavement is that they're discharging to the existing catch basin which is very shallow. So the closer I move to the highway, the lower in elevation I am. I can't get into that catch basin so what I did is I set them back far enough where they can drain into the basin so basically, any water that's moving will be caught by these two basins in the front where this small piece which is between the two basins and the valley will drain into the valley, then flow over land into the swale that's in front of the property but we're catching the majority of it and it's maybe 30 feet of pavement that's below the elevation of the basins.

MR. LANDER: I'm not really too concerned, that's the

State's problem.

MR. ARGENIO: That valley's in the pavement?

MR. SHAW: Yes, what's happening is if I go from the edge of the pavement towards the site, the DOT wants you to have a downgrading, okay, so that the water does not drain onto the highway. So as you're going from the edge of the pavement into the property, you're going at a negative 2 percent slope.

MR. ARGENIO: As you come up the property again.

MR. SHAW: Then I start rising.

MR. ARGENIO: What percentage of slope?

MR. SHAW: Probably going to be at 4 percent, maybe, so what happens is any water that's below these two basins that starts draining towards the highway will not drain onto the highway, it will hit this low point and be forced to flow in a northerly direction.

MR. ARGENIO: We'll see this again, right, Mr. Lander?

MR. LANDER: Oh, yeah, let me ask you about the lighting, Mr. Shaw, especially in the rear of the building, but yeah, how far away are the closest buildings, what would you estimate?

MR. SHAW: I really don't have that information, I just know that we're in excess of a hundred feet, all right, to a wooded area to get to the rear of our property line. I don't think our lighting will affect the residents at Washington Green.

MR. LANDER: Well, you can get with Myra, set up the public hearing, unless somebody else has another question for Greg?

MR. ARGENIO: No.

MR. LANDER: You're done.

MR. SHAW: Thank you.



November 13, 2002

25

MR. LANDER: I'll turn the meeting back over to the chairman, Mr. Petro.

RESULTS OF P.B. MEETING OF: November 2002

PROJECT: Headlee (Arby's)

P.B.# 02-34

LEAD AGENCY:

NEGATIVE DEC:

*Petro Excused self from this application as he is CO-owner of property*

1. AUTHORIZE COORD LETTER: Y ☒ N ☐

M) ☐ S) ☐ VOTE: A ☐ N ☐

2. TAKE LEAD AGENCY: Y ☐ N ☐

CARRIED: YES ☐ NO ☐

M) ☐ S) ☐ VOTE: A ☐ N ☐

CARRIED: YES ☒ NO ☐

WAIVE PUBLIC HEARING:

M) ☐ S) ☐

VOTE: A ☒ N ☐ O

WAIVED: Y ☐ N ☒

SCHEDULE P.H. Y ☒ N ☐

SEND TO O.C. PLANNING: Y ☐

SEND TO DEPT. OF TRANSPORTATION: Y ☐

REFER TO Z.B.A.: M) ☐ S) ☐ VOTE: A ☐ N ☐

RETURN TO WORK SHOP: YES ☐ NO ☐

APPROVAL:

M) ☐ S) ☐ VOTE: A ☐ N ☐ APPROVED: ☐

M) ☐ S) ☐ VOTE: A ☐ N ☐ APPROVED CONDITIONALLY: ☐

NEED NEW PLANS: Y ☐ N ☐

DISCUSSION/APPROVAL CONDITIONS:

Left 130' <del>±</del> undisturbed in front of Washington Green
Discussed possible interconnection onto Rt. 32 Associate Prop. in future
Dumpster Masonry block
Send for P.H. list

**Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611**

**RECEIPT  
#1025-2002**

**11/08/2002**

**Headlee Management Corp  
257 Route 17k  
Newburgh, NY 12550**

**Received \$100.00 for Planning Board Fees on 11/08/2002. Thank you for  
stopping by the Town Clerk's office.**

**As always, it is our pleasure to serve you.**

**Deborah Green  
Town Clerk**

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/08/2002

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**ESCROW**

FOR PROJECT NUMBER: 2-34

NAME: ARBYS RESTAURANT FOR HEADLEE MNGMENT PA2002-0713  
APPLICANT: HEADLEE MANAGEMENT, CORP

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
11/07/2002	RECEIVED CK #222	PAID		750.00	
		TOTAL:	0.00	750.00	-750.00

  
11/8/02

INTER-OFFICE CORRESPONDENCE


TO: Town Planning Board  
FROM: Town Fire Inspector  
SUBJECT: Arby's Restaurant  
DATE: 8 November 2002

Planning Board Reference Number: PB-02-34  
Dated: 7 November 2002  
Fire Prevention Reference Number: FPS-02-065

A review of the above referenced site plan was conducted on 8 November 2002.

This site plan is acceptable.

Plans Dated: 6 November 2002

  
Robert F. Rodgers



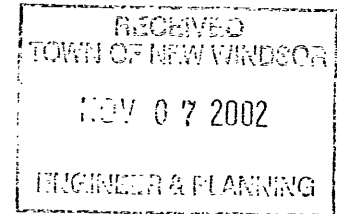
# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

## OFFICE OF THE PLANNING BOARD

### PROJECT REVIEW SHEET

TO: ☐ FIRE INSPECTOR, ☒ WATER DEPT.,  
☐ SEWER DEPT., ☐ HIGHWAY DEPT.



P.B. FILE # **02-34** DATE RECEIVED: \_\_\_\_\_

PLEASE RETURN COMPLETED FORM TO MYRA BY: 11/12/02

THE MAPS AND/OR PLANS FOR:

Arby's Restaurant  
Applicant or Project Name

SITE PLAN ☒, SUBDIVISION ☐, LOT LINE CHANGE ☐, SPECIAL PERMIT ☐

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

☒ APPROVED:

Notes: Water is available for this project -  
There are 2 water mains - 16" - 20" - Note  
water dept. for locations.

☐ DISAPPROVED:

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: Steve D. D. 11-8-02  
Reviewed by: \_\_\_\_\_ Date



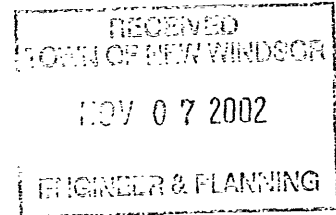
# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

## OFFICE OF THE PLANNING BOARD

### PROJECT REVIEW SHEET

TO: ☐ FIRE INSPECTOR, ☐ WATER DEPT.,  
☒ SEWER DEPT., ☐ HIGHWAY DEPT.



P.B. FILE # **02-34** DATE RECEIVED: \_\_\_\_\_

PLEASE RETURN COMPLETED FORM TO MYRA BY: 11/12/02

THE MAPS AND/OR PLANS FOR:

Arlyp's Restaurant  
Applicant or Project Name

SITE PLAN ☒, SUBDIVISION ☐, LOT LINE CHANGE ☐, SPECIAL PERMIT ☐

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

☒ APPROVED:

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ DISAPPROVED:

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Date: 11/12/02



**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

☐ Main Office  
33 Airport Center Drive  
Suite #202  
New Windsor, New York 12553  
(845) 567-3100  
e-mail: mhenry@mhepc.com

☐ Regional Office  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhpa@mhepc.com

Writer's E-mail Address:  
mje@mhepc.com

**PLANNING BOARD WORK SESSION**  
**RECORD OF APPEARANCE**

TOWN / VILLAGE OF: New Windsor P/B APP. NO.: 02-34  
WORK SESSION DATE: 6 Nov 02 PROJECT: NEW X OLD       
REAPPEARANCE AT W/S REQUESTED: No RESUB. REQ'D: Full App  
PROJECT NAME: Headless Mind (Arbys)  
REPRESENTATIVES PRESENT: 2 KFC guys + Greg Shaw  
MUNICIPAL REPS PRESENT: BLDG INSP.      FIRE INSP. Bob  
ENGINEER X PLANNER       
P/B CHMN      OTHER     

**ITEMS DISCUSSED:**

- site next to KFC.
- vacant lot.
- no X case - will dis. in mtg.
- project sign.
- plans ready.
- for traffic control sign.

**STND CHECKLIST:**

**PROJECT TYPE**

DRAINAGE ✓  
DUMPSTER do-412 ck  
SCREENING "  
LIGHTING ✓  
(Streetlights)  
LANDSCAPING ✓  
BLACKTOP ✓

SITE PLAN  
SPEC PERMIT  
L L CHG.  
SUBDIVISION  
OTHER

**ROADWAYS**

APPROVAL BOX "

**PROJECT STATUS:**

ZBA Referral:      Y      N

Ready For Meeting X Y      N

Recommended Mtg Date next avail



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (914) 563-4615  
Fax: (914) 563-4693

## PLANNING BOARD APPLICATION

### TYPE OF APPLICATION (check appropriate item):

Subdivision \_\_\_\_\_ Lot Line Change \_\_\_\_\_ Site Plan x Special Permit \_\_\_\_\_

Tax Map Designation: Sec. 35 Block 1 Lot 102.1

**BUILDING DEPARTMENT REFERRAL NUMBER** 2002 - 0713

1. Name of Project New Arbys Restaurant For Headlee Management Corp.

Petro Metals Inc.  
2. Owner of Record North Plank Dev Co LLC Phone 565-2800

Address: 5020 Route 9W, Newburgh, NY 12550  
(Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant Headlee Management Corp. Phone 564-5250

Address: 259 Route 17K, Newburgh, NY 12550  
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan Gregory J. Shaw, P.E. Phone 561-3695

Address: 744 Broadway, Newburgh, NY 12550  
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
(Street Name & Number) (Post Office) (State) (Zip)

6. Person to be notified to appear at Planning Board meeting:

Gregory J. Shaw 561-3695  
(Name) (Phone)

7. Project Location: On the west side of Windsor Highway 800 feet  
(Direction) (Street) (No.)  
north of Old Forge Hill Road  
(Direction) (Street)

8. Project Data: Acreage 2.01 Zone C School Dist. Newburgh

PAGE 1 OF 2

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TOWN OF NEW WINDSOR

NOV 07 2002

ENGINEER & PLANNING

(PLEASE DO NOT COPY 1 & 2 AS ONE PAGE TWO-SIDED)

02-34

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes \_\_\_\_\_ No X

**\*This information can be verified in the Assessor's Office.**

**\*If you answer yes to question 9, please complete the attached AAgricultural Data Statement.**

10. Description of Project: (Use, Size, Number of Lots, etc.) The construction of a 3,450 SF building with associated site improvements on a 2.0 acre parcel

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes \_\_\_\_\_ no X

12. Has a Special Permit previously been granted for this property? yes \_\_\_\_\_ no X

**ACKNOWLEDGMENT:**

IF THIS ACKNOWLEDGMENT IS COMPLETED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

16<sup>th</sup> DAY OF August 192002

Jan L. Meadler  
APPLICANT'S SIGNATURE

Linda Rodriguez  
NOTARY PUBLIC

LINDA RODRIGUEZ  
Notary Public, State of New York  
County of Ulster  
No. 01RO6006262

Commission Expires April 27, 2006

\*\*\*\*\*

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TOWN USE ONLY: INDSOR

NOV 07 2002

DATE APPLICATION RECEIVED

ENGINEER & PLANNING

02-34

APPLICATION NUMBER

**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR PLANNING BOARD

North Plank Development Co. LLC, it conducts business  
(OWNER), deposes and says that ~~he~~ resides

at 5020 Route 9W in the County of Orange  
(OWNER'S ADDRESS)

and State of New York and that ~~he~~ <sup>it</sup> is the owner of property tax map

(Sec. 35 Block 1 Lot 102.1)  
designation number (Sec.        Block        Lot       ) which is the premises described in

the foregoing application and that ~~he~~ <sup>it</sup> authorizes:

Headlee Management Corp. 259 Route 17K, Newburgh, NY 12550  
(Applicant Name & Address, if different from owner)

Gregory J. Shaw, P.E., 744 Broadway, Newburgh, NY 12550  
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 8/16/02

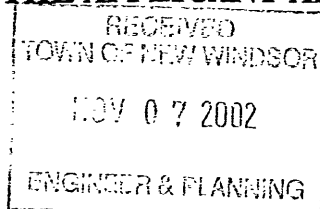
A. J. Arnold  
Witness' Signature

[Signature]  
Owner's Signature

        
Applicant's Signature if different than owner

        
Representative's Signature

**THIS FORM CANNOT BE WITNESSED BY THE PERSON OR  
REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED TO  
REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.**



02-34

**TOWN OF NEW WINDSOR PLANNING BOARD**

**SITE PLAN CHECKLIST**

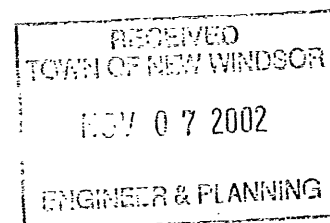
**ITEM**

1.       X       Site Plan Title
2.       X       Provide 4" wide X 2" high box **(IN THE LOWEST RIGHT CORNER OF THE PLAN)** for use by Planning Board in affixing Stamp of Approval. (ON ALL PAGES OF SITE PLAN).

**SAMPLE:**

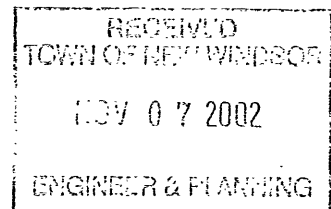


3.       X       Applicant's Name(s)
4.       X       Applicant's Address
5.       X       Site Plan Preparer's Name
6.       X       Site Plan Preparer's Address
7.       X       Drawing Date
8.       X       Revision Dates
9.       X       Area Map Inset and Site Designation
10.       NA       Properties within 500' of site
11.       NA       Property Owners (Item #10)
12.       X       Plot Plan
13.       X       Scale (1" = 50' or lesser)
14.       X       Metes and Bounds
15.       X       Zoning Designation
16.       x       North Arrow
17.       X       Abutting Property Owners
18.       X       Existing Building Locations
19.       X       Existing Paved Areas
20.       X       Existing Vegetation
21.       X       Existing Access & Egress



## PROPOSED IMPROVEMENTS

- |     |                       |                                     |
|-----|-----------------------|-------------------------------------|
| 22. | <u>      X      </u>  | Landscaping                         |
| 23. | <u>      X      </u>  | Exterior Lighting                   |
| 24. | <u>      X      </u>  | Screening                           |
| 25. | <u>      NA      </u> | Access & Egress                     |
| 26. | <u>      X      </u>  | Parking Areas                       |
| 27. | <u>      NA      </u> | Loading Areas                       |
| 28. | <u>      X      </u>  | Paving Details (Items 25 - 27)      |
| 29. | <u>      X      </u>  | Curbing Locations                   |
| 30. | <u>      X      </u>  | Curbing through section             |
| 31. | <u>      NA      </u> | Catch Basin Locations               |
| 32. | <u>      X      </u>  | Catch Basin Through Section         |
| 33. | <u>      NA      </u> | Storm Drainage                      |
| 34. | <u>      X      </u>  | Refuse Storage                      |
| 35. | <u>      NA      </u> | Other Outdoor Storage               |
| 36. | <u>      X      </u>  | Water Supply                        |
| 37. | <u>      NA      </u> | Sanitary Disposal System            |
| 38. | <u>      X      </u>  | Fire Hydrants                       |
| 39. | <u>      X      </u>  | Building Locations                  |
| 40. | <u>      X      </u>  | Building Setbacks                   |
| 41. | <u>      NA      </u> | Front Building Elevations           |
| 42. | <u>      NA      </u> | Divisions of Occupancy              |
| 43. | <u>      NA      </u> | Sign Details                        |
| 44. | <u>      X      </u>  | Bulk Table Inset                    |
| 45. | <u>      X      </u>  | Property Area (Nearest 100 sq. ft.) |
| 46. | <u>      X      </u>  | Building Coverage (sq. ft.)         |
| 47. | <u>      X      </u>  | Building Coverage (% of total area) |
| 48. | <u>      X      </u>  | Pavement Coverage (sq. ft.)         |
| 49. | <u>      X      </u>  | Pavement Coverage (% of total area) |
| 50. | <u>      X      </u>  | Open Space (sq. ft.)                |
| 51. | <u>      X      </u>  | Open Space (% of total area)        |
| 52. | <u>      X      </u>  | No. of parking spaces proposed      |
| 53. | <u>      X      </u>  | No. of parking spaces required      |



**REFERRING TO QUESTION ON THE APPLICATION FORM, THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:**

54. NA Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.
55. NA A disclosure Statement, in the form set below, must be inscribed on all site plan maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

A Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasee shall be notified of such farm operation with a copy of the following notification.

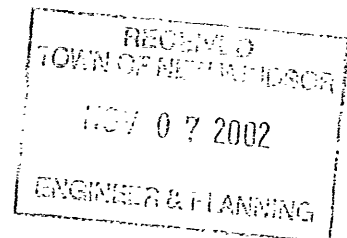
It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

**PREPARER'S ACKNOWLEDGMENT:**

THE PLAT FOR THE PROPOSED SITE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY: [Signature] 8/19/2002  
Licensed Professional Date



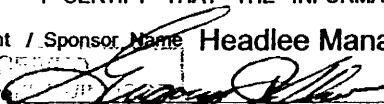
PROJECT ID NUMBER

617.20  
APPENDIX C

SEQR

STATE ENVIRONMENTAL QUALITY REVIEW

**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
for UNLISTED ACTIONS Only**PART 1 - PROJECT INFORMATION** (To be completed by Applicant or Project Sponsor)

1. APPLICANT / SPONSOR Headlee Management Corp.	2. PROJECT NAME New Arbys Restaurant for Headee Manag. Corp.
3. PROJECT LOCATION: Town Of New Windsor Municipality	Orange County
4. PRECISE LOCATION: Street Address and Road Intersections, Prominent landmarks etc - or provide map  West side of Windsor Highway, 800 feet north of Old Forge Hill Road	
5. IS PROPOSED ACTION : <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification / alteration	
6. DESCRIBE PROJECT BRIEFLY:  The Construction of a <sup>450</sup> 3,500 SF building with related site improvements for a new Arbys Restaurant	
7. AMOUNT OF LAND AFFECTED: Initially 2.0 acres Ultimately 2.0 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe briefly:	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.) <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park / Forest / Open Space <input type="checkbox"/> Other (describe)	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit / approval:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit / approval:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant / Sponsor Name Headlee Management Corp.	Date: August 19, 2002
Signature: 	

127 07 2002

If the action is a Coastal Area, and you are a state agency,  
complete the Coastal Assessment Form before proceeding with this assessment

ENGINEER &amp; PLANNING

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**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

<b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, coordinate the review process and use the FULL EAF.
<b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</b> If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING:</b> (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: <div style="border: 1px solid black; padding: 5px; min-height: 20px;">No</div>	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: <div style="border: 1px solid black; padding: 5px; min-height: 20px;">No</div>	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: <div style="border: 1px solid black; padding: 5px; min-height: 20px;">No</div>	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: <div style="border: 1px solid black; padding: 5px; min-height: 20px;">No</div>	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: <div style="border: 1px solid black; padding: 5px; min-height: 20px;">No</div>	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: <div style="border: 1px solid black; padding: 5px; min-height: 20px;">No</div>	
C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly: <div style="border: 1px solid black; padding: 5px; min-height: 20px;">No</div>	
<b>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?</b> (If yes, explain briefly: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <div style="border: 1px solid black; padding: 5px; min-height: 20px;"></div>	
<b>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b> If yes explain: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <div style="border: 1px solid black; padding: 5px; min-height: 20px;"></div>	

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide, on attachments as necessary, the reasons supporting this determination.
<div style="display: flex; justify-content: space-between;"><div>Town Of New Windsor Planning Board Name of Lead Agency</div><div>_____ Date</div></div>	
<div style="display: flex; justify-content: space-between;"><div>James R. Petro, Jr. Print or Type Name of Responsible Officer in Lead Agency</div><div>_____ Chairman Title of Responsible Officer</div></div>	
<div style="display: flex; justify-content: space-between;"><div>_____ Signature of Responsible Officer in Lead Agency</div><div>_____ Signature of Preparer (If different from responsible officer)</div></div>	